

INTERNET  
FORM NLRB-502  
(3-99)UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
PETITION

DO NOT WRITE IN THIS SPACE

Case No.

20-UP-447

Date Filed

4/6/2007

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the Region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering them accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

1. PURPOSE OF THIS PETITION (If box RC, RM, or RD is checked and a charge under Section 8(b)(7) of the Act has been filed involving the Employer named herein, the statement following the description of the type of petition shall not be deemed made.) (Check One)
- ☐ RC-CERTIFICATION OF REPRESENTATIVE - A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner and Petitioner desires to be certified as representative of the employees.
- ☐ RM-REPRESENTATION (EMPLOYER PETITION) - One or more individuals or labor organizations have presented a claim to Petitioner to be recognized as the representative of employees of Petitioner.
- ☐ RD-DECERTIFICATION (REMOVAL OF REPRESENTATIVE) - A substantial number of employees assert that the certified or currently recognized bargaining representative is no longer their representative.
- ☒ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees: (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. \_\_\_\_\_
- ☐ AC-AMENDMENT OF CERTIFICATION - Petitioner seeks amendment of certification issued in Case No. \_\_\_\_\_
- Attach statement describing the specific amendment sought.

2. Name of Employer Covenant Aviation Security, LLC		Employer Representative in contact	Telephone Number 650-821-2300
3. Address(es) of Establishment(s) involved (Street and number, city, State, ZIP code) 245 South Spruce Avenue, South San Francisco, California 94080		Teletypewriter Number (Fax) 650-635-7449	
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security	4b. Identify principal product or service Airport Security		
5. Unit involved (In UC petition, describe present bargaining unit and attached description of proposed clarification.) Included: All full-time and regular part-time airport screeners, airport lead screeners, baggage screeners, baggage lead screeners, baggage handlers and 9000 socialists employed by the San Francisco International Airport, San Francisco, California. Excluded: All other employees, office clerical employees, managerial employees and Supervisors as defined in the law.		6a. Number of Employees in Unit. Present 1000 Proposed (By UC/AC) 6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC	
(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable.)			
7a. <input type="checkbox"/>	Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state.)		
7b. <input type="checkbox"/>	Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.		
8. Name of Recognized or Certified Bargaining Agent (If none, so state.) Service Employees International Union Local 1877		Affiliation Labor Union	
Address, Telephone No. and Teletypewriter No. (Fax) 45 Polk Street, Second floor, San Francisco, CA 94102 / Phone 415-552-1303 Fax 415-552-1307		Date of Recognition or Certification September 30, 2005	
9. Expiration Date of Current Contract, if any (Month, Day, Year) 01/01/2009		10. If you have checked box UD in 1 above, show here the date of expiration of agreement granting union shop (Month, Day, and Year) 01/01/2006	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____ a labor organization, of (Insert Address) _____ Since (Month, Day, Year) _____			
12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state.)			
Name	Affiliation	Address	Date of Claim Teletypewriter No. (Fax)
13. Full name of party filing petition (If labor organization, give full name, including local name and number) Stephen J. Burke, Jr.			
14a. Address (street and number, city, state, and ZIP code) 3661 Fleetwood Drive, San Bruno, California 94066		14b. Telephone No. 650-588-1690 14c. Teletypewriter No. (Fax)	
15. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when petition is filed by a labor organization) United Screeners Association, Local One			
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Stephen J. Burke, Jr.	Signature <i>Stephen J. Burke, Jr.</i> 4/6/07		Title (if any) Vice-President
Address (street and number, city, state, and ZIP code) 3661 Fleetwood Drive, San Bruno, California 94066		Telephone No. 650-588-1690 Teletypewriter No. (Fax)	

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

Amended

INTERNET  
FORM NLRB-302  
(3-96)UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

First Amended PETITION

DO NOT WRITE IN THIS SPACE	
Case No. 20-UD-447	Date Filed 5/1/2007

INSTRUCTIONS: Submit an original and 4 copies of this Petition to the NLRB Regional Office in the region in which the employer concerned is located. If more space is required for any one item, attach additional sheets, numbering them accordingly.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

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- ☒ UD-WITHDRAWAL OF UNION SHOP AUTHORITY (REMOVAL OF OBLIGATION TO PAY DUES) - Thirty percent (30%) or more of employees in a bargaining unit covered by an agreement between their employer and a labor organization desire that such authority be rescinded.
- ☐ UC-UNIT CLARIFICATION - A labor organization is currently recognized by Employer, but Petitioner seeks clarification of placement of certain employees. (Check one) ☐ In unit not previously certified. ☐ In unit previously certified in Case No. \_\_\_\_\_
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4a. Type of Establishment (Factory, mine, wholesaler, etc.) Security	4b. Identify principal product or service Airport Security		
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(If you have checked box RC in 1 above, check and complete EITHER item 7a or 7b, whichever is applicable.)		6b. Is this petition supported by 30% or more of the employees in the unit? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No *Not applicable in RM, UC, and AC	
7a. <input type="checkbox"/> Request for recognition as Bargaining Representative was made on (Date) _____ and Employer declined recognition on or about (Date) _____ (If no reply received, so state.)	7b. <input type="checkbox"/> Petitioner is currently recognized as Bargaining Representative and desires certification under the Act.		
8. Name of Recognized or Certified Bargaining Agent (If none, so state.) Service Employees International Union Local 790		Affiliation Labor Union	
Address, Telephone No. and Teletypewriter No. (Fax)		Date of Recognition or Certification September 30, 2005	
9. Expiration Date of Current Contract, if any (Month, Day, Year) 01/01/2009		10. If you have checked box UD in 1 above, show here the date of execution of agreement granting union shop (Month, Day, and Year) 01/01/2006	
11a. Is there now a strike or picketing at the Employer's establishment(s) involved? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		11b. If so, approximately how many employees are participating?	
11c. The Employer has been picketed by or on behalf of (Insert Name) _____, a labor organization, of _____ (Insert Address) _____ Since (Month, Day, Year) _____			
12. Organizations or individuals other than Petitioner (and other than those named in items 8 and 11c), which have claimed recognition as representatives and other organizations and individuals known to have a representative interest in any employees in unit described in item 5 above. (If none, so state.)			
Name	Affiliation	Address	Date of Claim Teletypewriter No. (Fax)
13. Full name of party filing petition (If labor organization, give full name, including local name and number) Stephen J. Burke, Jr.			
14a. Address (street and number, city, state, and ZIP code) 3661 Fleetwood Drive, San Bruno, California 94066		14b. Telephone No. 650-588-1690	
		14c. Teletypewriter No. (Fax)	
15. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when petition is filed by a labor organization) United Screeners Association, Local One			
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) Stephen J. Burke, Jr.		Signature Stephen J. Burke, Jr. 5/1/07	
Address (street and number, city, state, and ZIP code) 3661 Fleetwood Drive, San Bruno, California 94066		Telephone No. 650-588-1690 Teletypewriter No. (Fax)	

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NATIONAL LABOR RELATIONS BOARD

Region 20

901 Market Street, Suite 400  
San Francisco, California 94103

Telephone: 415/356-5152

FAX: 415/356-5156

Website: [www.nlrb.gov](http://www.nlrb.gov)

May 9, 2007

Covenant Aviation Security LLC  
245 South Spruce Avenue  
South San Francisco, CA 94080-4520

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Graefe & Hansen, Ltd.  
55 West Monroe, Suite 3550  
Chicago, IL 60603

Mr. Stephen J. Burke, Jr.  
3661 Fleetwood Drive  
San Bruno, CA 94066

Jeff Michaelson, Representative  
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San Bruno, CA 94066

Ed Warshauer, Business Representative  
Service Employees International Union, Local 790  
1390 Market Street, Suite 118  
San Francisco, CA 94102

Vincent A. Harrington, Esq.  
Weinberg Roger & Rosenfeld  
1001 Marina Village Parkway, Ste. 200  
Alameda, CA 94501

Re: Covenant Aviation Security, LLC  
Case 20-UD-447

Gentlepersons:

On the basis of Region 20's investigation in the above-referenced matter, it appears appropriate now to conduct a secret-ballot election to determine whether bargaining unit employees of the Employer, Covenant Aviation Security, LLC, wish to withdraw the authority of Service Employees International Union, Local 790, under its agreement with Covenant, to require that employees make certain lawful payments to the Union in order to retain their jobs.

Accordingly, pursuant to Section 9(e)(1) of the National Labor Relations Act, as amended, and Section 102.85 of the Board's *Rules and Regulations*, Region 20 will conduct an election by secret ballot as described in the Notice of Election enclosed with this letter. I have decided that the voting will be conducted by mail for the following reasons.

The Employer advised that there has been a significant change in the size of its employee complement subsequent to earlier elections that Region 20 conducted among employees in the bargaining unit. The Employer asserted that this change would make it much more difficult for employees to vote during their working hours. The Employer also noted that the earlier elections were conducted in a secure area of San Francisco International Airport (SFO) that then was essentially vacant, and that this area may no longer be available. Petitioner added that because employees work varied schedules in terms of days per week, hours per day, and start times, a mail ballot might well yield higher participation rate than a manual election.

Twice before, in Case 20-RC-17896, Region 20 conducted a manual ballot election involving employees in the bargaining unit that will vote in this matter. Each of those elections was conducted at a single location at SFO, yet required six Board agents at each of four polling sessions that lasted up to 3.5 hours in length, a total commitment of more than 100 agent-hours if one accounts for travel and related chores. This effort to span as many voters' working hours as possible nevertheless posed problems, in part because on any single day only a portion of bargaining unit employees is scheduled to work, and additionally because employees work in several separate terminals. These difficulties no doubt accounted, at least in part, for the fact that during the February 2004 election, only 74% of eligible employees cast votes, and during the May 2005 election, 62% of eligible employees voted.

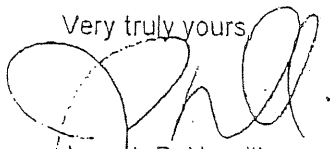
A mail ballot seems likely to overcome the difficulties noted above, and hence to result in a higher participation rate by employees who are eligible to vote. The Employer absolutely favors a mail ballot. Petitioner indicated that unless polling sessions were scheduled over at least three days, a feat that would prove daunting for some of the aforementioned reasons, he prefers a mail to a manual ballot. Although asked for its opinion on this question by means of an *Order to Show Cause*, SEIU Local 790 submitted no position. Accordingly, I have determined that because it seems likely to result in a higher voter participation rate, to prove less disruptive to the Employer's operation at SFO and to employees' work schedules, and to conserve resources, this election will be conducted by mail.

In order to ensure that eligible voters who exercise their statutory right to vote may have an opportunity to be informed about related issues, all parties to the election must have access to a list of such voters and their addresses. *Excelsior Underwear, Inc.*, 156 NLRB 1236; *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759. Accordingly, I direct the Employer to submit to me by **May 16, 2007**, a clearly legible list that sets forth the names and addresses of all eligible voters. I shall, in turn, make that list available to the other parties to the election. No extension of time to file this list may be granted except in extraordinary circumstances. Failure to comply with this requirement shall provide the ground to set aside the election if a proper objection is timely filed. The Employer should alphabetize the names of the eligible voters, and if at all possible should submit mailing labels for the employees whom it lists.

The Employer must post the enclosed Notice of Election in a conspicuous place or places that are easily accessible to the employees involved. Pursuant to Section 103.20 of the Board's *Rules and Regulations*, the Employer must post the Notice at least **three (3) full working days** prior to 12:01 a.m. on the day of the election. In this matter, because ballots will be mailed on Monday, June 4, 2007, and the Board has defined working days to exclude Saturdays, Sundays and holidays, the Employer must post the Notice no later than Tuesday, May 29, 2007.

If you have any questions, please contact this Regional Office at the telephone number above.

Very truly yours,



Joseph P. Norelli  
Regional Director

Enclosures: Affidavit of Posting and ~~20~~ Notices of Election





NATIONAL LABOR RELATIONS BOARD

Region 20

901 Market Street, Suite 400

San Francisco, California 94103-1735

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FAX: 415/356-5156

Website: [www.nlrb.gov](http://www.nlrb.gov)

Mr. Stephen J. Burke, Jr., Vice President  
United Screeners Association, Local One  
3661 Fleetwood Drive  
San Bruno, CA 94066

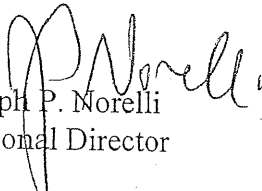
May 11, 2007

Re: **Covenant Aviation Security, LLC**  
Case 20-UD-445

Dear Mr. Burke:

This is to advise that with my approval the petition in the above matter has been withdrawn.

Very truly yours,

  
Joseph P. Morelli  
Regional Director

cc: Glenn M. Taubman, Esq.  
National Right to Work Legal Defense  
Foundation, Inc.  
8001 Braddock Road, Suite 600  
Springfield, VA 22160

Mr. Ed Warshauer, Business Representative  
Service Employees International Union  
Local 790  
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San Francisco, CA 94103

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Covenant Aviation Security LLC  
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South San Francisco, CA 94080-4520

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